

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor

Plaintiff,

v.

Civil Action No. 4:14-CV-997-O

DALLAS-FORT WORTH DOMICILE,
ALLIED PILOTS ASSOCIATION,

and

ALLIED PILOTS ASSOCIATION,
NATIONAL HEADQUARTERS,

Defendants.

UNOPPOSED MOTION FOR PROTECTIVE ORDER

Plaintiff, the Secretary of Labor, requests that the Court enter a protective order to govern the disclosure of certain source-code-type and similar electronic information in this case, and as support would show as follows:

1. This case involves an election of union officers conducted by the Allied Pilots Association (the union for American Airlines pilots) and its Dallas-Fort Worth Domicile. The source of the controversy lies in the union's use of an Internet-based electronic voting system. A union member protested the election, alleging that the system permits the names of voters to be linked to their voting choices and does not allow an observer to effectively observe the election. The union's Appeal Board found

otherwise and rejected the protest, and the union member then filed a complaint with the Department of Labor. After an investigation, the Secretary of Labor filed this action under the Labor-Management Reporting and Disclosure Act of 1959, which requires that union officer elections be conducted by secret ballot and provides candidates with the right to have election observers.

2. The union used CCComplete, Inc., a third-party vendor, to administer the technical aspects of the election. CCComplete offers a “BallotPoint” electronic voting system that, in general terms, uses certain CCComplete-created computer programs that generate credentials for union members to vote, facilitate the voting process whereby union members access a CCComplete server over the Internet to cast their electronic ballots, and tally the results.

3. The Secretary desires to obtain expert review of the source-code-type and other similar technical data comprising the CCComplete electronic voting system used to conduct the election, as relevant to the issues in this case of whether and to what extent the election was conducted by secret ballot and allowed for effective observation. To protect the confidentiality of CCComplete’s materials, the undersigned has conferred with CCComplete about obtaining a suitable protective order that would govern this issue and prohibit the use and disclosure of CCComplete’s materials except under the conditions described in the protective order.

4. CCComplete has agreed to the terms of the protective order that is being presented to the Court in connection with this motion. In addition, counsel for the union was provided a copy of the protective order and replied that the union does not oppose

the Secretary's request that the protective order be entered.

For all these reasons, the Secretary of Labor respectfully requests that the Court enter a protective order as requested herein. A proposed order is being submitted electronically to the Court's "orders" email address.

Respectfully submitted,

JOHN R. PARKER
United States Attorney

/s/ Brian W. Stoltz
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Attorneys for Plaintiff

Certificate of Conference

This is to certify that I have conferred with the defendants about the relief requested herein, and the defendants are not opposed. I have also conferred with CCCComplete, Inc.'s president about the terms of the protective order, and CCCComplete is in agreement with those terms.

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney

Certificate of Service

On August 21, 2015, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney